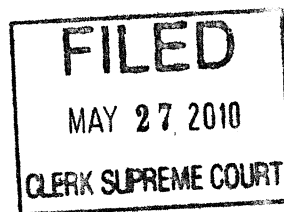


IN THE SUPREME COURT OF IOWA



ORDER

**IN THE MATTER OF AMENDMENT TO IOWA
RULE OF APPELLATE PROCEDURE 6.1401
FORM 5**

By action of this court, Iowa Rule of Appellate Procedure 6.1401 Form 5 is amended as shown in the attached document. The amendment to this rule and form shall take place effective immediately.

Dated this 27th day of May, 2010.

THE SUPREME COURT OF IOWA

By Marsha Ternus
Marsha Ternus, Chief Justice

1 **Rule 6.1401 — Form 5: *Petition on Appeal (Cross-Appeal) (Child-in-***
2 ***Need-of-Assistance-and Termination Cases).***

3 **IN THE SUPREME COURT OF IOWA**

IN THE INTEREST OF _____, CHILD(REN)	Supreme Court No. _____
	Juvenile Court No. _____
	PETITION ON APPEAL (CROSS- APPEAL) (Child-In-Need-Of-Assistance and Termination Cases)

4 County _____ Judge _____

5 The names of the parties involved in this appeal and their designations in
6 juvenile court are shown below in column A. Their respective attorneys'
7 names, law firms, addresses, and telephone numbers are shown below in
8 column B.

	<u>Column A</u>	<u>Column B</u>
	Parties	Attorneys

11 Appellant(s):

12 Appellee(s):

13 1. This Petition on Appeal is filed on behalf of, *(insert name of person)*
14 _____, *(insert role of filer i.e. mother, father, child,*
15 *State, intervenor, or other)* in the above-identified (CHECK ONE)

16 ☐ child-in-need-of-assistance

17 ☐ termination-of-parental-rights

18 ☐ post-termination

19 proceeding, with respect to child(ren)

Child(ren)'s Name(s)

Date(s) of Birth

2. (If applicable), parental rights were terminated by the juvenile court pursuant to Iowa Code section(s) 232.116(____) (*insert specific subsection(s)*) as to the mother and Iowa Code section(s) 232.116(____) (*insert specific subsection(s)*) as to the father.

If appealing from a **CINA** order, indicate as to the mother on what statutory ground(s) the child(ren) was/were adjudicated in need of assistance (____)(*insert specific subsection(s)*) and indicate as to the father on what statutory ground(s) the child(ren) was/were adjudicated in need of assistance (____)(*insert specific subsection(s)*).

3. Appellant's attorney, _____, is/is not the attorney who represented appellant at trial.

4. List any other pending appeals involving the child(ren).

Case Name: _____

Supreme Court No.: _____

Type of Appeal: (e.g., appeal from adjudication/disposition, dissolution) _____

5. The relevant dates regarding this appeal are the following:

a. Date of adjudication _____

b. Date of last removal (excluding any trial period at home of less than 30 days) _____

c. Date of disposition _____

d. Date(s) of any review hearings _____

e. Date of any permanency hearing _____

f. Date(s) termination petition filed/amended _____

g. Date(s) of termination hearing _____

h. Date(s) of child-in-need-of-assistance order(s) from which appeal was taken _____

i. Date of termination or dismissal order from which appeal was taken _____

j. Date of post-termination order from which appeal was taken _____

k. Date notice of appeal filed _____

l. Any other date(s)/hearing(s) material to appeal _____

6. Nature of case and relief sought: The appellant seeks a reversal of the juvenile court order:

1 a. terminating the parental rights of _____ (insert
2 name(s)) with respect to the child(ren) _____ (insert
3 name(s)); OR

4 b. dismissing a petition to terminate the parental rights of
5 _____ (insert name(s)) with respect to the
6 child(ren), _____ (insert name(s)); OR

7 c. If seeking reversal or modification of a **CINA** order, specify the
8 relief requested:
9 _____

10 _____
11 d. OTHER (specify) _____

12 7. State the material facts as they relate to the issues presented for
13 appeal:
14 _____

15 _____
16 _____
17 _____
18 _____

19

20 8. State the legal issues presented for appeal, including a statement
21 of how the issues arose and how they were preserved for appeal. Also,
22 state what findings of fact or conclusions of law the district court made
23 with which you disagree and why, generally referencing a particular part
24 of the record, witnesses' testimony, or exhibits that support your position
25 on appeal:

26 *The issue statement should be concise in nature setting forth specific legal*
27 *questions. General conclusions, such as "the trial court's ruling is not*
28 *supported by law or the facts" are not acceptable. Include supporting legal*
29 *authority for each issue raised, including authority contrary to appellant's*
30 *case, if known.*

31 a. Issue I:
32 _____
33 _____
34 _____

35 Was error preserved? ____ yes ____ no. If yes, state how:
36 _____
37 _____

38 Supporting legal authority for Issue I:

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Findings of fact or conclusions of law with which you disagree:

b. Issue II:

Was error preserved? ____ yes ____ no. If yes, state how:

Supporting legal authority for Issue II:

1 Findings of fact or conclusions of law with which you disagree:
2 _____
3 _____
4 _____
5 _____
6 _____
7 _____
8 _____
9 _____

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11 (Additional issues may be added)
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13 9. I hereby certify I will request within 30 days after the filing of the
14 notice of appeal that the clerk of the trial court transmit immediately to
15 the clerk of the supreme court:

16 (For appeals from child-in-need-of-assistance proceedings)

17 a. The child-in-need-of-assistance court file, including all
18 exhibits.

19 b. Any transcript of a hearing or hearings resulting in the order
20 from which an appeal has been taken.

21 (For appeals from termination proceedings)

22 a. The termination-of-parental-rights court file, including all
23 exhibits.

24 b. Those portions of the child-in-need-of-assistance court file,
25 either received as exhibits or judicially noticed in the termination
26 proceedings.

27 c. The transcript of the termination hearing.

28 (For appeals from post-termination proceedings)

29 a. The order, judgment, or decree terminating parental rights.

30 b. Any ruling on a motion for new trial under Iowa R. Civ. P.
31 1.1007 or a motion under Iowa R. Civ. P. 1.904(2).

32 c. The post-termination order from which the appeal was
33 taken.

1 d. Any motion(s), resistance(s), or transcript(s) related to the
2 post-termination order from which the appeal was taken.

3 The undersigned requests that the appellate court issue an opinion
4 reversing the order of the juvenile court in this matter, or, in the
5 alternative, enter an order setting this case for full briefing.

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*(signature of appellant or appellant's
attorney)
Name, address, telephone number, fax
number, and e-mail address of
appellant or appellant's attorney.*

12 **ATTACHMENTS:**

13 (For appeals from child-in-need-of-assistance proceedings):

14 (1) a copy of the order or judgment from which the appeal has
15 been taken; and

16 (2) a copy of any rulings on a motion for new trial as provided in
17 Iowa R. Civ. P. 1.1007 or a motion as provided in Iowa R. Civ. P.
18 1.904(2).

19 (For appeals from termination orders):

20 (1) a copy of the petition (and any amendments) for termination
21 of parental rights filed in the juvenile court proceedings;

22 (2) any ruling on a motion for new trial under Iowa R. Civ. P.
23 1.1007 or a motion under Iowa R. Civ. P. 1.904(2);

24 (3) a copy of the order, judgment, or decree terminating parental
25 rights or dismissing the termination petition; and

26 (4) a copy of any rulings on a motion for new trial as provided in
27 Iowa R. Civ. P. 1.1007 or a motion as provided in Iowa R. Civ. P.
28 1.904(2).

29 (For appeals from post-termination orders):

30 (1) a copy of the order, judgment, or decree terminating parental
31 rights;

32 (2) a copy of the post-termination order from which the appeal
33 was taken; and

34 (3) any motion(s) or resistance(s) related to the post-termination
35 order from which the appeal was taken.

1

CERTIFICATE OF SERVICE

2 The undersigned certifies a copy of this petition on appeal (cross-appeal)
3 was served on the _____ day of _____ 20 _____, upon
4 the following persons and upon the clerk of the supreme court *(list the*
5 *names and addresses of the persons below and indicate the manner of*
6 *service)*.

7

8

(signature of person making service)